

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EASTMAN KODAK COMPANY,

Plaintiff,

v.

ALTEK CORPORATION,

Defendant.

Civil Action No. 12-cv-246 (DLC)

**NOTICE OF MOTION BY EASTMAN KODAK COMPANY FOR PARTIAL
SUMMARY JUDGMENT REGARDING THE VALIDITY AND
INTERPRETATION OF THE PLA**

PLEASE TAKE NOTICE that upon Plaintiff Eastman Kodak Company's ("Kodak") Memorandum of Law in Support of its Motion for Partial Summary Judgment regarding the validity and interpretation of the parties' July 1, 2004 Patent License Agreement ("PLA"), Kodak will move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, to issue an order that (i) "open market price" in Section 4.14 of the PLA means *Altek's* open market price to its customers; and (ii) the PLA is valid and enforceable.

WHEREFORE, Kodak requests that its Motion for Partial Summary Judgment of the validity and interpretation of the PLA be granted in all respects.

Respectfully submitted,

Dated: New York, New York
February 1, 2013

/s/ Robert J. Gunther, Jr.

Robert J. Gunther, Jr.

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Attorneys for Eastman Kodak Company

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of February, 2013, I caused Plaintiff Eastman Kodak Company's Notice of Motion for Partial Summary Judgment, and all supporting papers, including Kodak's Statement of Undisputed Material Facts, Memorandum of Law, Declaration of Jonathan Woodard, and Exhibits 1-10 thereto to be served on the following attorneys of record by email:

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By: /s/ Jonathan W. Woodard.